

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES

*

v.

*

Case No.: 8:22-cr-0380-PX

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JASON LEIDEL

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* * * * *

MOTION TO REVIEW ORDER OF DETENTION

COMES NOW the Defendant by and through his attorneys, Jennifer E. Smith and Gary E. Proctor, and respectfully requests that this Honorable Court to review the Order of Detention previously entered, and in support of his motion states as follows:

1. On January 9, 2023, Mr. Leidel was released on stringent conditions. The Court has allowed numerous modifications over the last eleven months.
2. Mr. Leidel had remained confined on home detention to his parents' home in Scranton, PA since his release. He had been permitted to leave his home with the permission of the court and pretrial services for court appearances related to his children in Virginia Beach, meetings with counsel in Baltimore, doctors' appointments and medicine pickups, employment related matters, and to attend religious services.
3. At some point in early December Judge Sullivan issued an Order revoking Defendant's conditions of release and ordering him detained.¹ Defendant was arrested and appeared before this Court on December 7, 2023. ECF 97. Defendant consented to Detention, while reserving his right to seek a hearing at a later date. ECF 98. Accordingly, this request follows.

¹ Presumably said document remains under seal of this Court. Counsel notes that ECF numbers 91 to 95 do not appear on the docket.

4. In the affidavit in support of the search warrant, filed concomitantly with the documents that led to Defendant's arrest, there are multiple allegations. The first is that someone using a Virtual Private Network (hereafter "VPN") submitted a FOIA request on behalf of E.S.. The second allegation is that on January 31, 2023 the FBI National Threat Operations Center received a fictitious complaint on behalf of a *guardian ad litem*. Again, the sender traces back only to a VPN that was associated with an iphone. The third allegation is that on February 15, 2023 an email was sent to co-defendant Sarah Sorg purporting to be from ES. The fourth allegation is that Sorg received a suspicious text message on February 22, 2023. The final allegation is that the FBI and USAO received an email purporting to be from someone it is not.
5. In support of probable cause the Government makes allegations that the activity referenced above may revert to a device associated with Defendant's previous third party custodian. There is nothing whatsoever to connect it to him.
6. As such, it is the defense position, that while Defendant can no longer reside with his previous third party custodian, there is no basis on which to order his continuing detention. Even if the Court accepts the Government's allegations as true, the last allegation was some nine (9) months ago. In the intervening period he has not put a foot wrong, worked, attended doctor's appointments and abided by conditions of release.
7. Defendant's sister is willing to serve as an alternative third party custodian. She has no criminal record, there are no firearms in the house and she will agree to remove all electronic devices, to comply with the conditions of release the Defendant was previously subject to. Counsel will provide her contact details to Pretrial prior to any hearing in this matter.

8. At the December 7 initial appearance, Judge Sullivan indicated that he would allow counsel to request a hearing at which they might present argument as to why release is appropriate. Accordingly, counsel now requests such a hearing.

WHEREFORE, the Defendant prays this Honorable Court schedule a hearing to determine if release is appropriate in this matter.

Respectfully submitted,

/s/
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this day, December 20, 2023, a copy of the attached was served on all parties via ECF.

/s/
GARY E. PROCTOR